

BEFORE THE HUMAN RIGHTS COMMISSION
OF THE STATE OF MONTANA

PRAGEETA SHARMA,
Charging Party/Appellee,

Case # 0121015221

-v-

REMAND ORDER

UNIVERSITY OF MONTANA,
Respondent.

Charging Party, Prageeta Sharma (Sharma), filed a complaint with the Department of Labor and Industry (Department) alleging discrimination in employment on the basis of race, color, sex, age, and retaliation. Following an informal investigation, the Department determined that a preponderance of the evidence did not support Sharma's allegations that Respondent, University of Montana, discriminated against Sharma. The Department issued a Notice of Dismissal. Sharma filed an objection with the Montana Human Rights Commission (Commission). The Commission considered the matter on September 19, 2012. Elizabeth O'Halloran appeared via teleconference call and argued on behalf of Sharma. Lucy France appeared via teleconference call and argued on behalf of the University of Montana.

The Commission reviews a decision of the Department to dismiss a complaint using an abuse of discretion standard. Section 49-2-511(2), MCA. After careful consideration, the Commission concludes the determination of the Department to dismiss the complaint in this case is an abuse of discretion. Therefore, the Commission sustains the objection and the case is hereby remanded for hearing to the Hearings Bureau pursuant to § 49-2-505, MCA.

Nothing in this order precludes the parties from engaging in the mediation or other settlement negotiations that would normally occur if the Department's investigative report had found cause. See § 49-2-504(2)(b), MCA.

IT IS HEREBY ORDERED, that Sharma's objection is **sustained**. The Commission reopens and remands the case to the Hearings Bureau for hearing.

DATED this 19th day of September 2012.

____/l.m.minich/_____
L.M. Minich, Chair
Human Rights Commission

CERTIFICATE OF SERVICE

The undersigned secretary for the Human Rights Commission certifies that a true and correct copy of the foregoing REMAND ORDER was mailed to the following by U.S. Mail, postage prepaid, on this 19th day of September 2012.

ELIZABETH O'HALLORAN
MILODRAGOVICH, DALE & STEINBRENNER, P.C.
P.O. BOX 4947
MISSOULA, MT 59806-4947

LUCY FRANCE
UNIVERSITY OF MONTANA
UNIVERSITY HALL 020
MISSOULA, MT 59812

_____/annahsmith/_____
Annah Smith, Legal Secretary
Montana Human Rights Bureau